

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JUNE 25, 1996  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:05 a.m. Mayor Golding convened the Housing Authority to meet jointly with the Council at 10:55 a.m. The meeting was recessed by Mayor Golding at 12:28 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Stallings at 2:11 p.m. with Mayor Golding and Council Member Warden not present. Deputy Mayor Stallings adjourned the meeting at 2:39 p.m. to the next regular City Council meeting on Monday, July 1, 1996, at 2:00 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour/Fishkin (mc/lh)

FILE LOCATION: MINUTES

Minutes of the Council of the City of San Diego  
for the Regular Meeting of Tuesday, June 25, 1996

Page 2

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-present  
(1) Council Member Mathis-present  
(2) Council Member Wear-present  
(3) Council Member Kehoe-present  
(4) Council Member Stevens-present  
(5) Council Member Warden-present  
(6) Council Member Stallings-present  
(7) Council Member McCarty-present  
(8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-5:

Comment by Richard Cardulla regarding livable neighborhoods,  
the Renaissance Committees, and the Town Councils.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A013-039.)

COUNCIL COMMENT:

None.

ITEM-54: CONTINUED TO JULY 9, 1996

SUBJECT: Regulatory Relief Ordinance - Coastal Development  
Permit Exemptions.

CITY COUNCIL'S RECOMMENDATION:

Reintroduce the following ordinance which was introduced as  
amended on 6/11/96. (Council voted 8-0. District 4 not  
present):

(O-96-120 Rev.1)

Introduction of an Ordinance amending Chapter VI, Article 2, Division 1; Chapter X, Article 1, Division 4; and Chapter X, Article 5, Division 2, of the San Diego Municipal Code by amending Sections 62.0106, 101.0407, 101.0462 and 105.0204, relating to Coastal Development Permit Exemptions; this ordinance supersedes Ordinance No. O-18169 adopted on March 20, 1995, Ordinance No. O-18156 adopted on January 31, 1995, and Ordinance No. O-18056 adopted on April 11, 1994.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: D085-099.)

MOTION BY COMMON CONSENT TO CONTINUE TO JULY 9, 1996, AT THE REQUEST OF A SPEAKER FOR FURTHER REVIEW. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Branch Libraries Ballot Initiative.

(See Committee Consultant Analysis PS&NS 96-4; Councilmember McCarty's memorandum of 4/19/96; Library Funding Options; City Manager Report CMR-95-289; City Manager Report CMR-95-255; City Attorney's Report of 10/27/95; Councilmember McCarty's memorandum of 9/7/95.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-96-1511 Rev.) ADOPTED AS AMENDED AS RESOLUTION  
R-287561 (THE LIST OF 20 BRANCHES AND  
SPECIAL LIBRARY ENDOWMENT FUND WAS  
CONTINUED TO JULY 8, 1996)

Approving the list of 20 branch libraries to be constructed with a portion of the City's share of the sales tax revenue from the November, 1996 Ballot Measure;

Declaring that a limit of \$65 million shall be used for branch library construction;

Declaring that the balance of the revenues from the sales tax increase shall be placed in a special library endowment fund to be established;

Supporting the November, 1996 Countywide Sales Tax Ballot Measure that includes the City of San Diego's spending priorities.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:

On 5/15/96, PS&NS voted 4-0 (Councilmembers Wear, Kehoe, McCarty and Vargas voted yea; Councilmember Stevens not present) to:

A. Adopt the list of 20 branches to be constructed and set a limit of \$65 million for branch construction. The balance of all other revenues received from the County Library Tax will be placed in a special library endowment fund to be established.

B. Direct staff to prepare a resolution in support of the County ballot measure that includes the City of San Diego's spending priorities.

C. Direct the City Attorney's office to prepare the ballot language on the "Maintenance of effort" and library endowment fund Charter Amendments and return to the Public Safety and Neighborhood Services Committee on June 12, 1996.

SUPPORTING INFORMATION:

There are twenty branches to be constructed:

Balboa  
Clairemont  
College Heights  
Kensington  
La Jolla Branch - Parking  
Logan Heights  
Mission Hills

Mission Valley  
North Clairemont  
North Park  
Oak Park  
Ocean Beach  
Paradise Hills  
Point Loma  
San Carlos  
San Ysidro  
Serra Mesa  
Skyline Hills  
University City N.  
University Heights

NOTE: Balboa, North Park, and San Carlos are expansions of existing facilities. The La Jolla Branch entails parking improvements only.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A051-B056.)

Motion by McCarty to adopt the resolution. Second by Stallings. Vote not taken.

Motion by McCarty to defer adopting the list of 20 branches to be constructed. Direct staff to prepare a resolution in support of the County ballot measure. Direct the City Attorney's office to prepare the ballot language on the "Maintenance of Effort" and Library Endowment Fund Charter amendments. Second by Stallings. Vote not taken.

MOTION BY McCARTY TO ADOPT THE RESOLUTION TO ONLY SUPPORT THE COUNTY PLACING THE MEASURE FOR A FIVE-YEAR 1/4-CENT COUNTY-WIDE SALES TAX INCREASE TO BE DEDICATED TO LOCAL LIBRARIES, ON THEIR NOVEMBER, 1996 BALLOT. THE LIST OF 20 BRANCHES TO BE CONSTRUCTED AND THE ESTABLISHMENT OF A SPECIAL LIBRARY ENDOWMENT FUND WAS CONTINUED TO JULY 8, 1996. AT THAT TIME, STAFF IS TO RETURN TO COUNCIL WITH THE COMPLETE PACKAGE FOR COUNCIL'S DETERMINATION AS TO WHETHER OR NOT TO PLACE THE ENDOWMENT FUND BEFORE THE CITY VOTERS. THE PACKAGE SHOULD INCLUDE HOW THE CONSTRUCTION FUND AND THE LIBRARY ENDOWMENT FUND WOULD BE UTILIZED. STAFF IS TO CONTINUE SEEKING STATE AUTHORITY FOR THIS BALLOT MEASURE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea,

Warden-nay, Stallings-yea, McCarty-yea, Vargas-yea, Mayor  
Golding-nay.

ITEM-203:

SUBJECT: Two actions related to Housing Trust Fund, Housing  
Impact Fees and Business Cooperation Program.  
(See City Manager Report CMR-96-129; Planning  
Department Reports P-96-093 & P-96-133; Committee  
Consultant Analysis LUH-96-2 Rev.; Housing Trust Fund  
Task Force's 2/21/96 memorandum; Housing Trust Fund  
Issues; CDBG Allocation; Citizens' Letters.)

TODAY'S ACTIONS ARE:

Introduction of the following ordinance and adoption of the  
resolution:

Subitem-A: (O-96-168) INTRODUCED, TO BE ADOPTED ON JULY  
8, 1996

Introduction of an Ordinance amending Appendix A of  
Division VI, Chapter IX, Article VIII, of the San Diego  
Municipal Code relating to the San Diego Housing Trust  
Fund, to read as follows:

Type of Use	Fee/Building Square Feet
Office	\$1.06
Hotel	\$0.64
Research and Development	\$0.80
Retail	\$0.64
Manufacturing	\$0.64
Warehouse	\$0.27

Subitem-B: (R-96-1607) ADOPTED AS RESOLUTION R-287559,  
APPROVING THE COUNCIL POLICY AS  
AMENDED

Amending Council Policy No. 700-02 regarding  
CommunityDevelopment Block Grants (CDBG).

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/29/96, LU&H took the following actions:

- 1) Voted 3-2 to approve the Committee Consultant's recommendations to: Beginning in Fiscal Year 1998, allocate 20 percent of the Community Development Block Grant (CDBG) funding for affordable housing under the "Option 1/District-specified" method, and commit the entire annual CDBG Loan Repayment to the Housing Trust Fund. (Councilmembers Mathis, Wear, and Stevens voted yea. Councilmembers Warden and McCarty voted nay.)
- 2) Voted 5-0 to refer to the City Manager inclusion of a \$115,000 Housing Trust Fund line item from Transient Occupancy Tax in the City's Fiscal Year 1998 budget. Direct the City Manager and Housing Commission to return to the Land Use and Housing Committee with recommendations on alleviating development permit issues, such as off-street parking regulations, that deter construction of Single Room Occupancy (SRO) hotels. (Councilmembers Mathis, Wear, Stevens, Warden and McCarty voted yea.)
- 3) Voted 5-0 to support reducing the water and sewer capacity fees for affordable housing below the rate charged for residential housing, as approved by the Rules Committee item "Proposed Reduction of Water and Sewer Capacity Charges" (reference City Manager Report CMR-96-97 to Committee on Rules, Finance, and Intergovernmental Relations, April 22, 1996), and to recommend including all residential housing in redevelopment areas at the same rate as affordable housing. (Councilmembers Mathis, Wear, Stevens, Warden and McCarty voted yea.)
- 4) Voted 5-0 to reduce the Housing Impact Fee on Commercial Development (Linkage Fee) by 50 percent starting July 1, 1996 (Fiscal Year 1997). (Councilmembers Mathis, Wear, Stevens, Warden and McCarty voted yea.)
- 5) Voted 5-0 to approve the Committee Consultant's recommendation to not transfer uncommitted Redevelopment Agency Low/Mod Funds to the Housing Trust Fund. (Councilmembers Mathis, Wear, Stevens, Warden and McCarty voted yea.)

FILE LOCATION: Subitem A: NONE; Subitem B & Additional  
Business: MEET

COUNCIL ACTION: (Tape location: B143-D084; E309-342.)

Motion by Mathis to introduce the ordinance and adopt the resolution approving the LU&H's recommendation. Second by Wear. Vote not taken.

Motion by Kehoe to amend the motion to reduce the linkage

fees by 25 percent and to allocate 20 percent to affordable housing as a target and not a fixed requirement. Second by Stevens.

Vote taken to reduce the linkage fees by 25 percent:  
Failed. Yeas-346M. Nays-12578.

MOTION BY MATHIS TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION, APPROVING THE CITY MANAGER'S RECOMMENDATION AS STATED IN CITY MANAGER REPORT NO. 96-129 DATED JUNE 19, 1996, WITH THE FOLLOWING MODIFICATIONS:

1. TO ACCEPT COUNCIL MEMBER VARGAS' AMENDMENT TO EXEMPT HOUSING TRUST FUND PROJECTS FROM WATER AND SEWER CAPACITY CHARGES. DIRECT THE CITY ATTORNEY AND THE CITY MANAGER TO MAKE THE NECESSARY AMENDMENT TO THE RESOLUTION PASSED ON JUNE 24, 1996, PERTAINING TO THE REDUCED WATER AND SEWER CAPACITY CHARGES.

2. TO ALLOCATE 20 PERCENT OF TOTAL CDBG FUNDS FOR AFFORDABLE HOUSING. ACCEPT COUNCIL MEMBER KEHOE'S AMENDMENT TO ALLOCATE 20 PERCENT TO AFFORDABLE HOUSING AS A TARGET AND NOT A FIXED REQUIREMENT. HOUSING COMMISSION ADMINISTRATIVE COST SHOULD BE ALLOCATED FROM THE CDBG FUNDS. THE CITY-WIDE APPLICATION TO HOUSING COMMISSION ADMINISTRATIVE COST WOULD REMAIN IN EFFECT.

3. TO ALLOCATE \$115,000 IN FY 1998 TRANSIENT OCCUPANCY TAX (TOT) FUNDS TO THE HOUSING TRUST FUND.

4. DEFER THE BUSINESS INCENTIVE PROGRAM TO COME BACK IN 45 DAYS.

5. ACCEPT COUNCIL MEMBER STEVENS' AMENDMENT TO DIRECT STAFF TO DRAFT A POLICY STATING THAT IT SHOULD BE COUNCIL POLICY NOT TO GRANT REDUCED FEE WAIVERS, EXCLUDING THE ENTERPRISE ZONE AREAS.

Second by Wear. Vote taken for everything but the 50 percent reduction of the impact fee: Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

Vote taken for the 50 percent reduction of the impact fee:  
Failed. Yeas-1,2,5,8. Nays-3,4,6. Not present-7,M.

Trailed to afternoon session.

MOTION BY MATHIS TO APPROVE THE REDUCTION OF THE HOUSING IMPACT FEE BY 50 PERCENT, EFFECTIVE FISCAL YEAR 1997.  
Second by Wear. Passed by the following vote: Mathis-yea,



Wear-yea, Kehoe-nay, Stevens-nay, Warden-yea, Stallings-nay,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ADDITIONAL BUSINESS: (R-97-50) ADOPTED AS RESOLUTION R-287646

During consideration of Item 203, the following resolution  
was adopted to reflect the following motion:

MOTION BY MATHIS TO INTRODUCE THE ORDINANCE AND ADOPT THE  
RESOLUTION, APPROVING THE CITY MANAGER'S RECOMMENDATION AS  
STATED IN CITY MANAGER REPORT NO. 96-129 DATED JUNE 19,  
1996, WITH THE FOLLOWING MODIFICATIONS:

1. TO ACCEPT COUNCIL MEMBER VARGAS' AMENDMENT TO EXEMPT  
HOUSING TRUST FUND PROJECTS FROM WATER AND SEWER CAPACITY  
CHARGES. DIRECT THE CITY ATTORNEY AND THE CITY MANAGER TO  
MAKE THE NECESSARY AMENDMENT TO THE RESOLUTION PASSED ON  
JUNE 24, 1996, PERTAINING TO THE REDUCED WATER AND SEWER  
CAPACITY CHARGES.

2. TO ALLOCATE 20 PERCENT OF TOTAL CDBG FUNDS FOR  
AFFORDABLE HOUSING. ACCEPT COUNCIL MEMBER KEHOE'S AMENDMENT  
TO ALLOCATE 20 PERCENT TO AFFORDABLE HOUSING AS A TARGET AND  
NOT A FIXED REQUIREMENT. HOUSING COMMISSION ADMINISTRATIVE  
COST SHOULD BE ALLOCATED FROM THE CDBG FUNDS. THE CITY-WIDE  
APPLICATION TO HOUSING COMMISSION ADMINISTRATIVE COST WOULD  
REMAIN IN EFFECT.

3. TO ALLOCATE \$115,000 IN FY 1998 TRANSIENT OCCUPANCY TAX  
(TOT) FUNDS TO THE HOUSING TRUST FUND.

4. DEFER THE BUSINESS INCENTIVE PROGRAM TO COME BACK IN 45  
DAYS.

5. ACCEPT COUNCIL MEMBER STEVENS' AMENDMENT TO DIRECT  
STAFF TO DRAFT A POLICY STATING THAT IT SHOULD BE COUNCIL  
POLICY NOT TO GRANT REDUCED FEE WAIVERS, EXCLUDING THE  
ENTERPRISE ZONE AREAS.

Second by Wear.

Vote taken for everything but the 50 percent reduction of  
the impact fee: Passed by the following vote: Mathis-yea,  
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-204:

SUBJECT: Retrofit Participation Agreement for the Design and  
Construction of the On-site Irrigation Systems Using

Reclaimed Water.

(See City Manager Report CMR-96-112. University, Mira Mesa, Scripps Miramar Ranch, and Miramar Ranch North Community Areas. Districts-1 and 5.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-96-1474) ADOPTED AS RESOLUTION R-287560

Authorizing the City Manager to enter into and execute Retrofit Participation Agreements with customers in an amount not to exceed \$50,000 each when funds are available, in connection with the retrofit of on-site irrigation systems using reclaimed water;

Authorizing the City Manager to establish reclaimed water rates at 90 percent of the rate for potable water.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/22/96, NR&C voted 3-2 to approve the following actions relative to Retrofit Participation Agreements for on-site irrigation systems using reclaimed water (Councilmembers Mathis, Warden and Stallings voted yea. Councilmembers Kehoe and McCarty voted nay):

- A. Accept City Manager Report CMR-96-112 regarding Retrofit Participation Agreements for on-site irrigation systems using reclaimed water.
- B. Approve the City Manager's recommendation to adopt a resolution authorizing the City Manager to enter into and execute Retrofit Participation Agreements with customers not to exceed \$50,000 each (when the funds are available).
- C. Approve the City Manager's recommendation to adopt a resolution to establish reclaimed water rates at 90 percent of the potable water rate for all users with an additional discount at 80 percent of the potable rate for the California State Department of Transportation.
- D. Direct the City Manager to provide answers to the following questions raised during the May 22, 1996, Natural Resources and Culture Committee meeting prior to the matter being heard by the full Council:
  1. What are the overall total costs of the City's

- reclaimed water system, specifically in terms of reclaimed water production and distribution, including both capital and operations and maintenance costs?
2. What are the projected long-term economic benefits and losses to the City of the proposed 10 percent discount from the potable water rate for all reclaimed water customers?
  3. What are the projected long-term economic benefits and losses to the City of the proposed 20 percent discount from the potable water rate for reclaimed water purchased by the California State Department of Transportation?

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: E010-300.)

MOTION BY MATHIS TO ADOPT THE RESOLUTION APPROVING THE CITY MANAGER'S RECOMMENDATION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AND EXECUTE RETROFIT PARTICIPATION AGREEMENTS WITH CUSTOMERS, NOT TO EXCEED \$50,000 EACH WHEN THE FUNDS ARE AVAILABLE; AND TO ADOPT THE RESOLUTION TO ESTABLISH RECLAIMED WATER RATES AT 90 PERCENT OF THE POTABLE WATER RATE FOR ALL USERS WITH AN ADDITIONAL DISCOUNT AT 80 PERCENT OF THE POTABLE RATE FOR THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-nay, Vargas-nay, Mayor Golding-not present.

ITEM-208: CONTINUED TO JULY 2, 1996

SUBJECT: Fiscal Year 1998 Labor Contract Extensions and Retirement System Changes.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1593)

Approving the tentative agreements with Local 145 of the International Association of Fire Fighters (Local 145), the San Diego Municipal Employees' Association

(MEA), and Local 127 of the American Federation of State, County and Municipal Employees' Association (Local 127), regarding wages, hours, and other terms and conditions of employment for Fiscal Year 1998;

Approving the proposed benefit increase changes to the City Employees' Retirement System (CERS), contingent upon an affirmative vote of the participants.

CITY MANAGER SUPPORTING INFORMATION:

The Management Team of the City of San Diego has met and conferred with Local 145 of the International Association of Firefighters (Local 145), with the Municipal Employees' Association (MEA), and with Local 127 of the American Federation of State, County and Municipal Employees' Association (Local 127) regarding wages, hours and other terms and conditions of employment for the respective employees that each represents. Pursuant to these negotiations, the Management Team has agreed to the provisions summarized in the tentative agreements with each of these three labor organizations for FY 98 Memorandum of Understanding extensions. In addition, the Management Team has met and conferred with POA, Local 145, MEA and Local 127 regarding changes to the San Diego City Employees' Retirement System (CERS).

All four labor organizations have tentatively agreed to the terms of this proposal subject to various contingencies contained in the agreements. Subsequent to this approval by the City Council, and an affirmative vote of the retirement system members, related to retirement benefits, the terms of these agreements will be incorporated into Memorandum of Understanding language for Council approval, and the retirement systems changes will be incorporated into Municipal Code revisions for approval of necessary Ordinances by the Council.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B057-142.)

CONSENT MOTION BY KEHOE TO CONTINUE TO JULY 2, 1996 AT THE REQUEST OF THE CITY MANAGER. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

Minutes of the Council of the City of San Diego  
for the Regular Meeting of Tuesday, June 25, 1996

Page 13

ITEM-330: HEARING HELD

SUBJECT: This is the first of two scheduled public hearings regarding the annual assessments for the Carmel Mountain Ranch Landscape Maintenance District. Council will take action at the subsequent hearing scheduled for July 16, 1996 at 10:00 a.m. Public testimony will also be taken at that meeting.

(Carmel Mountain Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the matter to the second public hearing which has been scheduled for July 16, 1996.

CITY MANAGER SUPPORTING INFORMATION:

The district was established in October 1985 to provide maintenance of certain paved and landscape medians and streetscapes within the district boundaries. The Fiscal Year 1997 proposed maintenance costs for the district are as follows:

	FUND		
DESCRIPTION	OPERATIONS	RESERVE	TOTAL
BEGINNING BALANCE	\$ 0	\$ 33,001	\$ 33,001
REVENUE:			
Assessments	\$ 224,572	0	\$ 224,572
Interest	0	3,097	3,097
City Contribution	\$ 26,051	0	\$ 26,051
TOTAL REVENUE	\$ 250,623	\$ 3,097	\$ 253,720
TRANSFER	5,149	( 5,149)	0
EXPENSE:			
Personnel	\$ 26,925	\$ 0	\$ 26,925
Contractual	142,000	0	142,000
Incidental	53,147	0	53,147
Utilities	33,700	0	33,700
TOTAL EXPENSE	\$ 255,772	\$ 0	\$ 255,772
ENDING BALANCE	\$ 0	\$ 30,949	\$ 30,949

The proposed assessment for Fiscal Year 1997 is \$23.90 per equivalent dwelling unit (EDU). This is an increase of \$2.83 (a 13.4% increase) from the Fiscal Year 1996 assessment of \$21.13 per EDU. This Community Advisory Group requested increase will provide for additional services and additional landscape enhancements in the District. The district contains 9,372.8 equivalent dwelling units (EDU's).

FILE LOCATION: STRT - M-379

COUNCIL ACTION: (Tape location: B057-142.)

Hearing began at 10:55 a.m. and halted at 11:01 a.m.

CONSENT MOTION BY KEHOE TO APPROVE THE HEARING. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: HEARING HELD

SUBJECT: This is the first of two scheduled public hearings regarding the annual assessments for the First San Diego River Improvement Project Landscape Maintenance District. Council will take action at the subsequent hearing scheduled for July 16, 1996 at 10:00 a.m. Public testimony will also be taken at that meeting.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the matter to the second public hearing which has been scheduled for July 16, 1996.

CITY MANAGER SUPPORTING INFORMATION:

The district was established in 1987 to provide maintenance for the San Diego River earthen flood control channel, eight river islands inside the channel zone, and an approximately 20 foot wide buffer zone running along and adjacent to the channel embankments. The Fiscal Year 1997 proposed maintenance costs for the district are as follows:

	FUND		
DESCRIPTION	OPERATIONS	RESERVE	TOTAL
BEGINNING BALANCE	\$ 0	\$461,055	\$ 461,055
REVENUE:			
Assessments	\$ 255,205	0	\$ 255,205
Interest	0	19,333	19,333
TOTAL REVENUE	\$ 255,205	\$ 19,333	\$ 274,538
TRANSFER	294,005	(294,005)	0
EXPENSE:			
Personnel	\$ 36,492	\$ 0	\$ 36,492
Contractual	388,000	(250,000)	138,000
Incidental	77,018	0	77,018
Utilities	47,700	0	47,700
TOTAL EXPENSE	\$ 549,210	(\$250,000)	\$ 299,210
ENDING BALANCE	\$ 0	\$436,383	\$ 436,383

The proposed assessment for Fiscal Year 1997 is \$1,518.54 per net acre. The total dollar value assessed is the same as Fiscal Year 1996. The method for apportioning the assessment to the individual parcels within the district has been changed from a method based on the original FSDRIP bond debt to one based on the net acres of land in the district. This revised apportionment method is based on an independent report prepared for the City by Willdan Associates. The district contains 168.06 net acres.

FILE LOCATION: STRT - M-381

COUNCIL ACTION: (Tape location: D100-115.)

Hearing began at 12:26 p.m. and halted at 12:27 p.m.

MOTION BY KEHOE TO APPROVE THE HEARING. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-not present.

ITEM-332: HEARING HELD

SUBJECT: This is the first of two scheduled public hearings regarding the annual assessments for the Gateway Center East Landscape Maintenance District. Council will take action at the subsequent hearing scheduled for July 16, 1996 at 10:00 a.m. Public testimony will also be taken at that meeting.

(Gateway Center East Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the matter to the second public hearing which has been scheduled for July 16, 1996.

CITY MANAGER SUPPORTING INFORMATION:

The district was established in May 1987 to provide maintenance of landscaped open space easements as well as landscaping along the frontage of all lots and for landscaped medians on Market Street and Gateway Center Drive. The Fiscal Year 1997 proposed maintenance costs for the district are as follows:

FUND

DESCRIPTION	OPERATIONS	RESERVE	TOTAL
BEGINNING BALANCE	\$ 0	\$ 27,633	\$ 27,633

REVENUE:

Assessments	\$ 108,967	0	\$ 108,967
Interest	0	2,966	2,966
City Contribution	1,416	0	1,416
TOTAL REVENUE	\$ 110,383	\$ 2,966	\$ 113,349

TRANSFER	16,432	( 16,432)	0
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EXPENSE:



Minutes of the Council of the City of San Diego  
for the Regular Meeting of Tuesday, June 25, 1996

Page 17

Personnel	\$ 10,770	\$ 0	\$10,770
Contractual	65,000	0	65,000
Incidental	17,445	0	17,445
Utilities	33,600	0	33,600
TOTAL EXPENSE	\$ 126,815	\$ 0	\$ 126,815
ENDING BALANCE	\$ 0	\$ 14,167	\$ 14,167

The proposed assessment for Fiscal Year 1997 is \$290.54 per net acre. This is an increase of \$72.00 (a 33 percent increase) from the Fiscal Year 1996 assessment of \$218.50 per net acre. This increase is required to offset a continuing condition wherein the district's expenses (driven by property owner requests) are exceeding the annual assessments to the property owners and the reserve fund is insufficient to cover the difference. The district contains 375.1 net acres.

FILE LOCATION: STRT - M-380

COUNCIL ACTION: (Tape location: B057-142.)

Hearing began at 10:55 a.m. and halted at 11:01 a.m.

CONSENT MOTION BY KEHOE TO APPROVE THE HEARING. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: HEARING HELD

SUBJECT: This is the first of two scheduled public hearings regarding the annual assessments for the Sorrento Hills Landscape Maintenance District. Council will take action at the subsequent hearing scheduled for July 30, 1996 at 10:00 a.m. Public testimony will also be taken at that meeting.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the matter

to the second public hearing which has been scheduled for July 30, 1996.

CITY MANAGER SUPPORTING INFORMATION:

A petition for this Landscape Maintenance District was signed by the owner-developers of 84.3 percent of the property area involved. This landscaping is proposed by the owner-developers of the Sorrento Hills Community along El Camino Real, Carmel Mountain Road, Carmel Creek Road, Sorrento Hills Boulevard, Vista Sorrento Parkway, and certain future roadways and open space areas. These improvements will be installed by the owner-developers within the district. In order to provide for the continued maintenance of the proposed landscaping, this project will depend on the establishment of a Landscape Maintenance District. Property owners within this district will pay for the annual maintenance on the basis of benefit to the land use per equivalent dwelling units (EDUs). The present action is only for the establishment of the district. After the landscape construction is approved and accepted by the City, the landscaping improvements will be maintained by the developers for approximately two years or until June 1998. Consequently, we anticipate assessments will be levied during Fiscal Year 1999. The annual maintenance cost for the proposed landscaping improvements is estimated at \$445,583. The estimated annual assessment is approximately \$169 per EDU. The property owners' assessments would not occur until Fiscal Year 1999.

FILE LOCATION: STRT - M-408

COUNCIL ACTION: (Tape location: B057-142.)

Hearing began at 10:55 a.m. and halted at 11:01 a.m.

CONSENT MOTION BY KEHOE TO APPROVE THE HEARING. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: Public meeting regarding the annual assessments for Miramar Ranch North Landscape Maintenance District. Following public testimony at today's meeting, the Council will consider and may confirm the proposed

assessments.

(Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following resolution:

(R-96-1277) ADOPTED AS RESOLUTION R-287548

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Miramar Ranch North Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1997 assessments for the Miramar Ranch North Landscape Maintenance District (LMD). The district was established in 1987. This first assessment was established in Fiscal Year 1996 to provide maintenance for 69,250 square feet of landscaped medians, slopes, streetscapes and 138 acres of open space. In Fiscal Year 1996 the assessments were established through Fiscal Year 2000 at an annual rate not to exceed \$150 per equivalent dwelling unit. The Fiscal Year 1997 proposed maintenance costs for the district are as follows:

FUND

DESCRIPTION	OPERATIONS	RESERVE	TOTAL
BEGINNING BALANCE	\$ 0	\$ 63,679	\$ 63,679
REVENUE:			
Assessments	\$ 310,291	0	310,291
Interest	0	327	327
City Contribution	\$ 11,760	0	\$ 11,760
TOTAL REVENUE	\$ 322,051	\$ 327	\$ 322,378
TRANSFER			
	34,650	( 34,650 )	0
EXPENSE:			
Personnel	\$ 40,385	\$ 0	\$ 40,385

Minutes of the Council of the City of San Diego  
for the Regular Meeting of Tuesday, June 25, 1996

Page 20

Contractual	180,000	0	180,000
Incidental	56,816	0	56,816
Utilities	79,500	0	79,500
TOTAL EXPENSE	\$ 356,701	\$ 0	\$ 356,701
ENDING BALANCE	\$ 0	\$ 29,356	\$ 29,356

The proposed assessment for Fiscal Year 1997 is \$83.50 per equivalent dwelling unit (EDU). This is an increase of \$51.55 from the Fiscal Year 1996 EDU assessment of \$31.95. This increase is due to two factors. The first factor is that the district assumed maintenance responsibility of an additional 2,380,031 square feet of medians, landscaped medians, slopes and streetscapes. This is a 377.50% increase in maintenance area from Fiscal Year 1996. The second factor is that the EDU's decreased from 5,251.7 to 3,716.2. The principal reason for this decrease was the reduction of the assessment apportionment to commercial land from 50 EDU's per acre to 7 EDU's per acre and current development occurring at less density than planned. Because this is a newly developing community we anticipate that the LMD assessments will increase in the years that the master developer turns landscape over to the district. If the district proposes assessments that exceed \$150 per EDU through Fiscal Year 2000, then we will notice all affected property owners and a public hearing will be set. The builders within the district are disclosing this arrangement to prospective home buyers.

FILE LOCATION: STRT - M-385

COUNCIL ACTION: (Tape location: B057-142.)

Hearing began at 10:55 a.m. and halted at 11:01 a.m.

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335:

**Minutes of the Council of the City of San Diego  
for the Regular Meeting of Tuesday, June 25, 1996**

**Page 21**

SUBJECT: Public meeting regarding the annual assessments for the Mission Boulevard Landscape Maintenance District. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(Mission Beach Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Upon affirmative findings at today's public hearing, adopt the following resolution:

(R-96-1393) ADOPTED AS RESOLUTION R-287549

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Mission Boulevard Landscape Maintenance District.

**CITY MANAGER SUPPORTING INFORMATION:**

This action establishes the Fiscal Year 1997 assessments for Mission Boulevard Landscape Maintenance District (LMD). The district was established on June 30, 1981 to provide maintenance for approximately 200 trees and planter boxes along Mission Boulevard from San Diego Place to Pacific Beach Drive. The Fiscal Year 1997 proposed maintenance costs for the district are as follows:

	FUND		
DESCRIPTION	OPERATIONS	RESERVE	TOTAL
BEGINNING BALANCE	\$ 0	\$ 40,206	\$ 40,206
REVENUE:			
Assessments	\$ 44,770	0	44,770
Interest	0	1,005	1,005
TOTAL REVENUE	\$ 44,770	\$ 1,005	\$ 45,775
TRANSFER	8,692	( 8,692)	0
EXPENSE:			
Personnel	\$ 2,690	\$ 0	\$ 2,690

Minutes of the Council of the City of San Diego  
for the Regular Meeting of Tuesday, June 25, 1996

Page 22

Contractual	37,134	(	0)	37,134
Incidental	13,638		0	13,638
TOTAL EXPENSE	\$ 53,462	\$	0	\$ 53,462

ENDING BALANCE	\$	0	\$ 32,519	\$ 32,519
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The proposed assessment for Fiscal Year 1997 is \$11.50 per equivalent dwelling unit (EDU). The assessment is the same as Fiscal Year 1996. The district contains 3,893 equivalent dwelling units.

FILE LOCATION: STRT - M-398

COUNCIL ACTION: (Tape location: B057-142.)

Hearing began at 10:55 a.m. and halted at 11:01 a.m.

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336:

SUBJECT: Public meeting regarding the annual assessments for the La Jolla Village Drive Landscape Maintenance District. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following resolution:

(R-96-1404) ADOPTED AS RESOLUTION R-287550

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the La Jolla Village Drive

Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1997 assessments for La Jolla Village Drive Landscape Maintenance District (LMD). The district was established in January 1988 to provide maintenance of 8,690 feet of landscape medians along La Jolla Village Drive between I-5 and Regents Road.

The Fiscal Year 1997 proposed maintenance costs for the district are as follows:

FUND

DESCRIPTION	OPERATIONS	RESERVE	TOTAL
BEGINNING BALANCE	\$ 0	\$121,581	\$ 121,581
REVENUE:			
Assessments	\$ 19,686	0	19,686
Interest	0	3,066	3,066
City Contribution	\$ 1,043	0	\$ 1,043
TOTAL REVENUE			
\$ 20,729	\$ 3,066	\$ 23,795	
TRANSFER			
	6,257	( 6,257)	0
EXPENSE:			
Personnel	\$ 5,385	\$ 0	\$ 5,385
Contractual	10,000	( 0)	10,000
Incidental	9,501	0	9,501
Utilities	2,100	0	2,100
TOTAL EXPENSE	\$ 26,986	\$ 0	\$ 26,986
ENDING BALANCE	\$ 0	\$118,390	\$ 118,390

The proposed assessment for Fiscal Year 1997 is \$8.60 per equivalent dwelling unit (EDU). This is a reduction of \$10.05 from the Fiscal Year 1996 assessment of \$18.65 per EDU. This 53.9 percent reduction in assessment results from applying a conservative portion of the district's reserve fund to the Fiscal Year 1997 annual assessment. The district contains 2,289.1 equivalent dwelling units (EDU).

FILE LOCATION: STRT - M-397

COUNCIL ACTION: (Tape location: B057-142.)

Hearing began at 10:55 a.m. and halted at 11:01 a.m.

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337:

SUBJECT: Public meeting regarding the annual assessments for the Lopez Canyon Stormwater Retention Basin Maintenance District. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following Resolution:

(R-96-1439) ADOPTED AS RESOLUTION R-287551

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Lopez Canyon Stormwater Retention Basin Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1997 assessments for the Lopez Canyon Stormwater Retention Basin Maintenance District. The district was established in August 1984 to provide funding for as required structural repairs, debris and silt removal to the stormwater basin. The Fiscal Year 1997 proposed maintenance costs for the district are as follows:

FUND



Minutes of the Council of the City of San Diego  
for the Regular Meeting of Tuesday, June 25, 1996

Page 25

DESCRIPTION	OPERATIONS	RESERVE	TOTAL
BEGINNING BALANCE	\$ 0	\$ 3,123	\$ 3,123
REVENUE:			
Assessments	\$ 0	0	\$ 0
Interest	0	90	90
TOTAL REVENUE	\$ 0	\$ 90	\$ 90
TRANSFER	2,500	( 2,500)	0
EXPENSE:			
Personnel	\$ 0	\$ 0	\$ 0
Contractual	0	0	0
Incidental	2,500	0	2,500
TOTAL EXPENSE	\$ 2,500	\$ 0	\$ 2,500
ENDING BALANCE	\$ 0	\$ 713	\$ 713

For Fiscal Year 1997, it is proposed that the reserve fund pay for the annual district monitoring and administration which are estimated not to exceed \$2,500. This will result in a zero assessment to all parcels within the district for Fiscal Year 1997. The assessment is the same as Fiscal Year 1996. The district contains 6,765.6 equivalent dwelling units.

FILE LOCATION: STRT - M-409

COUNCIL ACTION: (Tape location: B057-142.)

Hearing began at 10:55 a.m. and halted at 11:01 a.m.

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338:

SUBJECT: Public meeting regarding the annual assessments for the Washington Street Landscape Maintenance District.

Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(Mission Hills Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following Resolution:

(R-96-1410) ADOPTED AS RESOLUTION R-287552

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Washington Street Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1997 assessments for Washington Street Landscape Maintenance District (LMD). The district was established in July 1993 to provide maintenance for the landscaping improvements on the Washington Street center islands approximately 380 feet west of the University Avenue overpass to Hawk Street. The landscaping will also include the small triangular traffic island between Washington Place, Washington Street and Ibis Street and a small area near the southerly intersection of Washington Street and Hawk Street. The landscaping improvements include 13,500 feet of landscaped medians. The Fiscal Year 1997 proposed maintenance costs for the district are as follows:

FUND

DESCRIPTION	OPERATIONS	RESERVE	TOTAL
BEGINNING BALANCE	\$ 0	\$ 9,400	\$ 9,400

REVENUE:

Assessments	\$ 17,815	0	\$ 17,815
Interest	0	0	0
City Contribution	1,620	0	1,620
TOTAL REVENUE	\$ 19,435	\$ 0	\$ 19,435

Minutes of the Council of the City of San Diego  
for the Regular Meeting of Tuesday, June 25, 1996

Page 27

TRANSFER	( 1,658)	1,658	0
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EXPENSE:

Personnel	\$ 2,690	\$ 0	\$ 2,690
Contractual	4,775	( 0)	4,775
Incidental	7,037	0	7,037
Utilities	3,275	0	3,275
TOTAL EXPENSE	\$ 17,777	\$ 0	\$ 17,777

ENDING BALANCE	\$ 0	\$ 11,058	\$ 11,058
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The proposed assessment for Fiscal Year 1997 is \$5.00 per equivalent dwelling unit (EDU). This is a reduction of \$2.00 per EDU (a 28.5% reduction) from the Fiscal Year 1996 assessment of \$7.00 EDU. The district contains 3,563 equivalent dwelling units.

FILE LOCATION: STRT - M-410

COUNCIL ACTION: (Tape location: B057-142.)

Hearing began at 10:55 a.m. and halted at 11:01 a.m.

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339:

SUBJECT: Public hearing to levy proposed assessments for each Business Improvement District for FY 1997. Council will take action at this meeting. Public testimony will also be taken at this meeting.

(Mid-City, Centre City, Uptown, Greater North Park, Old San Diego, Ocean Beach, La Jolla, Southeast San Diego, and College Community Areas. Districts-1, 2, 3, 4 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following Resolution:

(R-96-1485 REV.)      ADOPTED AS AMENDED AS RESOLUTION  
R-287553 (DIAMOND BID CONTINUED TO JULY  
30, 1996)

A Resolution to confirm the budget report for each  
Business Improvement District previously established  
and levying an annual assessment within each district  
for July 1, 1996, through June 30, 1997 (FY 1997).

CITY MANAGER SUPPORTING INFORMATION:

Business Improvement District (BIDs) are authorized by State law to assess benefitted businesses for the cost of certain activities. These activities are generally promotional in nature. Once a BID is established the City collects the assessments and disburses them to an appropriate entity representing the district pursuant to an annual operating agreement. There are currently 14 active districts in the City of San Diego: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Boulevard-Gateway, El Cajon Boulevard Central, Gaslamp, Hillcrest, La Jolla, Mission Hills, North Park, Ocean Beach, and Old Town. State law requires that the City Council annually adopt a budget for each BID and hold a public hearing to levy appropriate assessments. The actions taken by Council on June 3, 1996 accepted the budget reports and set today, June 25, 1996 for the public hearing to levy the proposed assessment for each BID for FY 1997.

FILE LOCATION:                      STRT - L-1, L-2, L-3, L-4, L-5, L-6,  
L-7, L-8, L-9, L-11, L-12, L-13, L-14,  
L-15

COUNCIL ACTION:                      (Tape location: B057-142.)

Hearing began at 10:55 a.m. and halted at 11:01 a.m.

CONSENT MOTION BY KEHOE TO ADOPT THE RESOLUTION APPROVING THE ANNUAL ASSESSMENTS FOR THE BUSINESS IMPROVEMENT DISTRICTS LISTED IN THE RESOLUTION WITH THE EXCEPTION OF THE DIAMOND BUSINESS IMPROVEMENT DISTRICT. THIS DISTRICT IS CONTINUED FOR 30 DAYS, AT THE REQUEST OF COUNCIL MEMBER STEVENS, TO DETERMINE WHY THE FEES ARE MUCH HIGHER WHEN COMPARED TO THE OTHER ASSESSMENTS. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea,

Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-340:

SUBJECT: Real Estate Transactions Related to San Dieguito  
Partnership, L.P., Et Al. v. City of San Diego, Et Al.,  
Superior Court Case No. 675245. (District-1.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1566) ADOPTED AS RESOLUTION R-287554

1. Authorizing the City Manager to execute all documents, and take any actions necessary to accept from San Dieguito Partnership (SDP) fee simple title to approximately 106 acres of real property located in the lower San Dieguito River Valley south of Via de la Valle, west of El Camino Real, and east of Interstate 5, on the condition that the parties execute a Settlement Agreement in the case San Dieguito Partnership, L.P., et al. v. City et al., Superior Court Case No. 675245;
2. Authorizing the City Manager to execute a Memorandum of Agreement with the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) for the possible sale of the approximately 106 acres to the JPA;
3. Authorizing the City Manager to execute all documents, and take any actions necessary to transfer fee simple title to that parcel of real property commonly known as the Corporate Research Park to SDP, or its designee(s), on the condition that the parties execute a Settlement Agreement subject to the terms and conditions in Section 2 of Ordinance No. 0-12685.

CITY MANAGER SUPPORTING INFORMATION:

The City may acquire approximately 106 acres of land located in the lower San Dieguito River Valley south of Via de la Valle,

west of El Camino Real, and east of Interstate 5, currently owned by San Dieguito Partnership, L.P., as part of a settlement in the case San Dieguito Partnership, L.P., et al., v. City of San Diego, et al., Superior Court Case No. 675245. The San Dieguito River Valley Regional Open Space Park Joint Powers Authority has in turn expressed an interest in possibly acquiring that property from the City at the City's cost of acquisition. Items 1 and 2 authorize those actions if the litigation is settled. Part of the consideration for the 106 acres would be the transfer of that parcel of City-owned property commonly known as the Corporate Research Park. Item 3 authorizes that transfer if the litigation is settled.

FILE LOCATION: MEET CONTFY96-1

COUNCIL ACTION: (Tape location: B057-142.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-341:

SUBJECT: Letter of Intent - Sea World, Inc.

(See City Manager Report CMR-96-130. Mission Bay Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1598) ADOPTED AS RESOLUTION R-287555

Authorizing the City Manager to execute a Letter of Intent with Sea World, Inc., approving in concept:

- a) the addition of the 16.5-acre South Shores Commercial parcel to the existing leasehold area;
- b) inclusion of Perez Cove Way in the Sea World leasehold; and
- c) extension of the term of Sea World's lease to 50 years;

Authorizing the City Manager to waive interest charges of approximately \$27,826 with regard to the negotiated percentage rental rate adjustment for Sea World.

FILE LOCATION: LEAS - Sea World, Inc. LEASFY96-1

COUNCIL ACTION: (Tape location: B057-142.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-342:

SUBJECT: Two actions related to the Broadway (19th Street to 24th Street) Underground Utility District.

(Greater Golden Hill Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-1571) ADOPTED AS RESOLUTION R-287556

Designating July 25, 1996 as the date upon which all property in the Broadway (19th Street to 24th Street) Underground Utility District must be ready to receive underground service and September 30, 1996 as the date for the removal of all overhead utility facilities.

Subitem-B: (R-96-1572) ADOPTED AS RESOLUTION R-287557

Authorizing the City Auditor and Comptroller to open Fund No. 78076 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Broadway (19th Street to 24th Street) Underground Utility District;

Authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company;

Authorizing payment to all property owners in the

Broadway (19th Street to 24th Street) Underground Utility District as reimbursement for electrical service underground conversion work done on private property whenever the required length of trenching exceeds one foot;

Authorizing the City Auditor and Comptroller to return to San Diego Gas & Electric Company any un-disbursed funds upon written notice from San Diego Gas & Electric Company to the City that all electric service conversions within a particular district have been completed.

CITY MANAGER SUPPORTING INFORMATION:

The Broadway (19th Street to 24th Street) Underground Utility District was created by the City Council on May 23, 1995. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set July 25, 1996 as the Customer Ready Date, which will require that upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the underground system. This action will also establish September 30, 1996 as the Pole Removal Date, which will require that upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300-\$1,500.

FILE LOCATION: STRT K-230

COUNCIL ACTION: (Tape location: B057-142.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.



ITEM-CS-1: (R-96-1617) ADOPTED AS RESOLUTION R-287558

A Resolution adopted by the City Council in Closed Session  
on June 25, 1996:

Authorizing the City Manager to pay the total sum of  
\$90,000.00 in the settlement of each and every claim against  
The City of San Diego, its agents and employees resulting  
from personal injury claim of Carol and Gregory Thomas;  
authorizing the City Auditor and Comptroller to issue one  
check in the amount of \$90,000.00, made payable to Carol and  
Gregory Thomas and their attorney of record, Tom Adler, in  
full settlement of all claims.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Stallings at 2:39  
p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E342-343).